

COUNTY OF YORK

MEMORANDUM

DATE: March 9, 2006 (BOS Mtg. 3/21/06)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. UP-698-06, Charity Barrett



ISSUE

Application No. UP-698-06 requests a Special Use Permit, pursuant to Sections 24.1-283(b)(1) and 24.1-281(b) of the York County Zoning Ordinance, to authorize an approximately 468-square foot beauty shop as a home occupation within a single-family detached dwelling located at 409 Cheadle Loop Road (Route 686) and further identified as Assessor's Parcel No. 25C-3-1.

DESCRIPTION

- Property Owners: Sean P. and Charity A. Barrett
- Location: 409 Cheadle Loop Road (Route 686)
- Area: 1.05 acre
- Frontage: 135 feet on Cheadle Loop Road
- Utilities: Public water and sewer
- Topography: Flat
- 2025 Land Use Map Designation: Low Density Residential
- Zoning Classification: RR – Rural Residential
- Existing Development: Single-family detached home
- Surrounding Development:
 - North: Single-family detached homes fronting on Sharon Drive
 - East: Single-family detached homes (across Cheadle Loop Road)
 - South: Single-family detached homes
 - West: Single-family detached homes
- Proposed Development: Beauty shop as a home occupation

CONSIDERATIONS/CONCLUSIONS

1. The applicant operated a beauty shop as a home occupation at her previous residence in the Edgehill subdivision under a Special Use Permit approved by the Board in 2002 (UP-588-02, Resolution No.R02-16). She has since moved to her current residence at 409 Cheadle Loop Road in Seaford and wishes to operate a beauty shop in her new home in an existing attached garage. Section 24.1-283(b)(1) of the Zoning Ordinance requires a Special Use Permit for any home occupations with on-premises retail sales, personal services, or customer/client contact, specifically including barber and beauty shops.
2. The subject parcel is located in a residential area of single-family detached homes and, at slightly over one acre, is the largest lot in the area bounded by Cheadle Loop Road and Sharon Drive, where most of the 41 properties are less than half an acre in size. The entire surrounding area is zoned RR (Rural Residential) and is designated Low Density Residential in the Comprehensive Plan. The nearest home adjacent to the garage end of the applicant's house is approximately 95 feet away.
3. Section 24.1-281 of the Zoning Ordinances specifies a series of performance standards that apply to home occupations in general, and Section 24.1-283(b) sets forth additional standards that apply specifically to those home occupations for which a use permit is required. The general purpose of these standards is to limit the size, scale, and visibility of home occupations in order to ensure that they remain incidental and subordinate to the residential use of the property and to prevent adverse impacts on surrounding homes. Pursuant to these standards, home occupations are not permitted to occupy more than 25% of the floor area of the residence or 400 square feet, whichever is less, unless the Board authorizes a greater floor area in conjunction with a use permit application. The applicant's home has approximately 2,900 square feet of floor area (including the garage), and the beauty salon will be limited to one 468-square foot area of the garage (17% of the floor area of the home). The Zoning Ordinance also limits all public contact to the period between 8:00 AM and 8:00 PM, Monday through Saturday, unless otherwise specified by the Board through a use permit condition. The applicant's proposed hours of operation are Tuesdays and Thursdays from 10:00 AM to 6:00 PM and Wednesdays and Fridays from 10:00 AM to 2:00 PM, and Saturday from 10:00 AM to 2:00 PM (i.e., a maximum of 28 hours per week). There would be no employees other than the applicant herself, and a condition has been included in the proposed resolution specifying that only one customer may be served at a time.
4. The subject property can accommodate both the residential parking requirement (two spaces) and the off-street parking demand generated by the proposed beauty shop (1 space). The home has a detached garage measuring over 1,000 square feet in area (in addition to the attached garage where the beauty shop would be located) and a driveway that measures approximately 163 feet in length and can accommodate the parking demand that would be associated with the home occupation.

5. In the past fifteen years, the Board has approved thirteen applications for home barber and beauty shops. For purposes of comparison, relevant data for these home occupations are listed in the table below.

Approval Date	Location	Maximum Area	Days and Hours of Operation	Maximum Hours per Week
2/21/91	Lotz Acres Estates	125 square ft.	Monday-Saturday, 8 AM-8 PM	72
10/17/91	Hudgins Farm Drive	240 square ft.	Monday-Saturday, 8 AM-8 PM	72
4/16/92	Hornsbyville Road	240 square ft.	Monday-Saturday, 8 AM-8 PM	72
10/15/92	Running Man	150 square ft.	Monday-Saturday, 8 AM-8 PM	72
5/20/93	Edgehill	260 square ft.	Monday-Friday, 9 AM-5 PM	40
8/16/95	Carraway Terrace	200 square ft.	Tuesday-Thursday, 9 AM-6 PM	27
11/21/00	Woods of Tabb	150 square ft.	3 days/week 9 AM-5 PM	24
2/19/02	Edgehill	250 square ft.	Tues. and Thurs., 10 AM-7 PM; Wed. and Fri., 10 AM-4 PM; & Saturdays, 10 AM-2 PM	34
2/19/02	Carver Gardens	200 square ft.	Monday-Saturday, 8 AM-8 PM	72
7/16/02	Skimino Hills	200 square ft.	Monday-Saturday, 9 AM-5 PM	48
12/03/03	Meadowlake Farms	335 square ft.	Tuesday-Saturday, 9 AM-5 PM	40
7/13/04	Woodlake Crossing	63 square ft.	Tuesday & Thursday, 9 AM-5PM	16
10/26/04	Edgehill	215 square ft.	3 days/week from 9 AM to 8 PM by appointment only	33

According to the County's Zoning and Code Enforcement staff, there have been no complaints or compliance problems associated with Ms. Barrett's previous home beauty shop or any of the other home beauty/barber shops that have been approved. As the table indicates, the proposed home beauty shop would be less intensive – in terms of activity levels – than all but three of these approved home occupations based on the proposed 28 hours of operation per week. At 468 square feet, however, it would be somewhat larger than the largest of the thirteen home beauty/barber shops that have previously been approved. The floor area of the beauty shop is dictated by the size of the existing garage and includes an existing staircase and the furnace area, which the applicant plans to block off by adding an interior wall (not shown on the attached floor plan) that will reduce the floor area to something less than 468 square feet. Though greater than the Zoning Ordinance typically allows, I do not believe the size of the proposed beauty salon will have any adverse impacts (and it is still well below the 25% threshold set by the home occupation performance standards).

6. The subject parcel is not within a subdivision and does not fall under the jurisdiction of an established homeowners' association with covenant enforcement responsibility. Regardless of any covenants that may be deeded, the County must evaluate the proposed home occupation use within the context of the Zoning Ordinance and its standards. The County cannot be a party to the enforcement of private covenants, and approval of a Special Use Permit will not relieve the applicant of any responsibilities for compliance with any such covenants.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its March 8 meeting and conducted a public hearing at which an adjacent property owner spoke in opposition to the application, noting the proposed size of the home occupation in excess of 400 square feet, traffic concerns, and the quiet, rural character of the neighborhood. The Commission subsequently voted 7:0 to recommend approval. (For further details please see the attached Planning Commission minutes excerpts.)

COUNTY ADMINISTRATOR RECOMMENDATION

The proposed home occupation is a small-scale operation and is not likely to have any adverse impacts on the surrounding area. Over the past four years, the applicant has demonstrated her willingness and ability to operate a home beauty shop at her previous residence in compliance with County regulations and the conditions of her original use permit, which are almost identical to the conditions in the proposed resolution. I am confident that the proposed conditions prohibiting non-resident employees and limiting the hours of operation are sufficient to ensure that it remains a small-scale operation, consistent with the intent of the home occupation provisions of the Zoning Ordinance. Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve this application subject to the conditions contained in proposed Resolution R06-30.

Carter/3337.tcc

Attachments

- Excerpts of Planning Commission minutes, March 8, 2006
- Zoning Map
- Site Map
- Survey Plat
- Photos
- Beauty shop floor plan
- Letter from Charity Barrett dated December 19, 2005
- Proposed Resolution R06-30